

March 21, 2020

To Whom It May Concern:

On March 10, 2020, the Governor of the State of Colorado issued an Executive Order declaring a state of disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19.

On March 12, 2020, the Mayor of the City and County of Denver declared a state of local disaster emergency pursuant to C.R.S. § 24-33.5-701, *et seq.*, due to the risk of spread of COVID-19, which, on March 16, 2020, was extended by the City Council for the City and County of Denver through May 11, 2020 due to the risk of spread of COVID-19.

On March 13, 2020, the Executive Director of the Denver Department of Public Health & Environment, pursuant to section 24-16 of the Denver Revised Municipal Code, restricted access to certain facilities to minimize the spread of COVID-19 (“March 13 DDPHE Order”).

On March 15, 2020, the Center for Disease Control (“CDC”) recommended that all large events and mass gatherings of 50 persons or more be canceled or postponed for eight weeks to minimize the spread of COVID-19.

On March 16, 2020, the Executive Director of the Denver Department of Public Health & Environment, pursuant to section 24-16 of the Denver Revised Municipal Code, restricted additional activities, including but limited to, onsite consumption of food and beverage in restaurants and banned mass gatherings of 50 persons or more in consistency with the March 15, 2020 CDC recommendations. (“March 16 DDPHE Order”).

On March 16, 2020, the Executive Director of the Colorado Department of Public Health and Environment, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), closed bars, restaurants, theaters, gymnasiums and casinos by Notice of Public Health Order 20-22, which Order was amended on March 17, 2020 (“March 16 CDPHE Order”).

On March 18, 2020, the United States Department of Homeland Security issued a Memorandum regarding “Non-Congregate Sheltering Delegation of Authority Public Assistance Program and Policy Guide Waiver” (1) recognizing that non-congregate sheltering may be necessary in this Public Health Emergency to save lives, to protect property and public health, and to ensure public safety, as well as to lessen or avert the threat of a catastrophe; (2) indicating that such emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of local public health officials may be reimbursed under Category B of FEMA’s Public Assistance program, and; (3) amending the criteria for approval of non-congregate sheltering, along with necessary support services to meet the needs of the public health emergency, as indicated therein.

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Hereby finding it is essential that the COVID-19 virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health, and because the risk of the rapid spread necessitates quick action to protect all members of the community, especially including our members most vulnerable to COVID-19 and also health care providers, this **NON-CONGREGATE SHELTERING ORDER** ("Order") directs and authorizes City and County of Denver staff to take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the public in the City and County of Denver as necessary to protect all members of the community, especially members most vulnerable to COVID-19 and also health care providers.

1. This Order is issued based on evidence of increasing occurrence of COVID-19 within Denver, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of Denver places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout Denver and the State of Colorado.

Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in Denver.

2. This Order also is issued in light of the existence of 121 confirmed cases of COVID-19 in Denver, as well as at least 363 confirmed cases and at least 4 deaths in the State of Colorado as of 4:00pm. on Saturday, March 21, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Executive Director, in collaboration with the Mayor, will re-evaluate it as further data becomes available.

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3. This Order is issued in accordance with, and incorporates by reference, the Governor's March 10, 2020 Executive Order declaring a state of disaster emergency, the Mayor's March 12, 2020 declaration of local disaster emergency, the Mayor's and Denver City Council's extension of the declaration of local disaster emergency, and CDC's guidance, as each of them may be supplemented.
4. This Order is also issued in accordance with the Colorado Department of Public Health & Environment's Public Health Order 20-22, which found that there were 131 known confirmed cases of COVID-19 as of March 16, 2020, and there is every expectation that more cases will be diagnosed.
5. This Order shall become effective at 4:00pm on March 21, 2020 and will continue through the duration of the Public Health Emergency which is midnight on May 11, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Executive Director of the Department of Public Health & Environment.
6. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

Issued by:



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